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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 CITY OF SEATTLE,

14 Defendant.

CASE NO. C12-1282JLR

ORDER APPROVING  
REVISIONS TO THE OFFICE OF  
ACCOUNTABILITY MANUAL  
WITH ONE EXCEPTION

15 Before the court is the Monitor's memorandum recommending that the court  
16 approve the revised Office of Professional Accountability ("OPA") Manual and two  
17 related policies known as Seattle Police Department ("SPD") Manual Sections 5.002 and  
18 5.003, which address non-retaliation and the reporting of misconduct. (Mem. (Dkt.  
19 # 256).) On January 20, 2016, the court issued an order regarding this memorandum in  
20 which the court indicated that it was inclined to approve the Manual and related policies  
21 subject to one alteration regarding disciplinary appeals. (1/20/16 Order (Dkt. # 258).)  
22 The court asked for input from the parties and amicus curiae concerning its approval of

1 the Manual subject to the court's one modification. (*Id.* at 2.) Both Defendant City of  
 2 Seattle ("the City") and Amicus Curiae Community Police Commission ("CPC")  
 3 responded to the court's request for input. (*See* City Resp. (Dkt. # 266); CPC Resp. (Dkt.  
 4 # 268).) The court has now reviewed the Monitor's original memorandum and  
 5 attachments and the responses of the City and CPC referenced above. Being fully  
 6 advised, the court approves the revisions to the OPA Manual and SPD Manual Sections  
 7 5.002 and 5.003 related to reporting misconduct and non-retaliation (*see* Mem.) subject to  
 8 the alteration more fully described below:

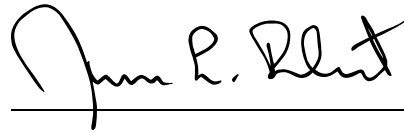
9       The appeals process for disciplinary proceedings is addressed on page ten of the  
 10 proposed OPA Manual in a box entitled "Appeal" (which is part of a graphic  
 11 representation of the complaint process) and on pages 44-45 under the heading "Appeals  
 12 of Discipline." (*See* Mem. Ex. A ("OPA Manual") at 10, 44-45.) These sections provide  
 13 that an employee named in the complaint process may appeal any disciplinary decision  
 14 involving suspension, demotion, or termination to the Public Safety Civil Service  
 15 Commission ("PSCSC") or through an alternative appeal process defined by the  
 16 applicable Collective Bargaining Agreement ("CBA"). (*See id.*) The court approves the  
 17 OPA Manual except that until such time as the court has entered final approval of the  
 18 parties' Settlement Agreement and Stipulated Order of Resolution, as modified on  
 19 September 21, 2012 (*see* Dkt. ## 8, 13) ("Settlement Agreement"),<sup>1</sup> any alternative  
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 22 <sup>1</sup> The court will enter final approval of the parties' Settlement Agreement after it  
 determines that the City has achieved full and effective compliance (as defined in paragraph 177

1 appeal process under the CBA must be approved by the court prior to utilization of that  
2 alternative appeal process by an SPD employee.

3 Dated this 16th day of March, 2016.

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JAMES L. ROBART  
United States District Judge

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22 of the Settlement Agreement) and maintained such compliance for no less than two years. (See  
12/21/12 Order (Dkt. # 13) at 6.)